

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

RUSSELL TENORIO,

Plaintiff,

vs.

CIV 12-1295 LH/KBM

BRIAN PITZER, RAYMOND SCHULTZ  
*in their individual capacity*, and  
CITY OF ALBUQUERQUE,

Defendants.

**ORDER ON DEPOSITION DISCOVERY DISPUTE**

THIS MATTER came before the Court on a discovery dispute during the deposition of Defendant Officer Brian Pitzer. Having heard from the attorneys at a telephonic conference held during the deposition, the Court requested briefing on the issue. Having now reviewed the motion and briefs submitted by the parties, the Court will sustain the objection interposed at the deposition.

The crux of Plaintiff's § 1983 claim is whether Officer Pitzer's actions were "**objectively**" reasonable at the time of the incident at issue. *See Graham v. Connor*, 490 U.S. 386, 396-97 (1989). The question asked at his deposition -- whether he **believes** that he has ever suffered from Post-Traumatic Stress Disorder -- has no bearing on this objective inquiry. Moreover, there is no showing that the officer has the knowledge and expertise to recognize the symptoms of PTSD or to diagnose the condition. Therefore, no response will be required.

Wherefore,

**IT IS HEREBY ORDERED** that Plaintiff's Motion to Compel Deposition  
Testimony (*Doc. 46*) is **denied**.

A handwritten signature in black ink, appearing to read "Karen B. Mohr", is written over a horizontal line.

UNITED STATES CHIEF MAGISTRATE JUDGE